

**MINUTES FOR THE COURT OF APPEAL
STATE OF CALIFORNIA
SECOND APPELLATE DISTRICT**

November 19, 2008

DIVISION ONE

Court convened at 9:00 a.m.

Present: Mallano, P.J., Rothschild, J., Weisberg, J. (Assigned), Dunning, J. (Assigned)
and, S. Stahl, Deputy Clerk.

Each of the following:

B196367 Quihuis v. City of Los Angeles et al.

B200145 Robinson et al. v. Woods et al.

B205168 Bishop v. Jones

Argument waived, cause submitted.

B204179 Light
 v.
 City of Los Angeles et al.

Merits:

Argued by Ira M. Salzman for appellant Light and by Gregory P. Orland,
Deputy City Attorney for appellants City of Los Angeles, et al. Cause
submitted.

B202505 People
 v.
 Martinez

Merits:

Argued by Lenore DeVita for appellant and by Robert C. Schneider,
Deputy Attorney General, for respondent. Cause submitted.

DIVISION ONE (continued)

B204935 Keshbaf Knitting, Inc.
 v.
 Shoshani

Merits:
Argued by Nilou Zakariaie for respondent. Appellant previously waived argument. Cause submitted.

B202359 Growth Resource Group, Inc.
 v.
 The California Corporations Commissioner et al.

Merits:
Argued by Fredrick M. Ray for appellant and by Judy L. Hartley for respondents. Cause submitted.

B206134 Kolter
 v.
 Commission on Professional Competence of the LAUSD

Merits:
Argued by Lawrence B. Trygstad for appellant and by Enrique M. Vassallo for respondent. Cause submitted.

B200696 Collins
 v.
 McIlhany

Merits:
Argued by Douglas J. Del Tondo for appellant and by John G. Derrick for respondent. Cause submitted.

DIVISION ONE (continued)

B202085 Larner
 v.
 Pacific Health Corporation

Merits:
Argued by Marc Primo for appellant Larner and by Alana Rotter for
appellant Pacific Health Corporation. Cause submitted.

Court recessed.

Court reconvened at 11:30 a.m.

Present: Mallano, P.J., Rothschild, J., Weisberg, J. (Assigned), Dunning, J. (Assigned)
and S. Stahl, Deputy Clerk.

B190775 Aguilera
 v.
 20th Century Insurance Co.

Merits:
Argued by Even Marshall for appellant Aguilera and by Kent R. Keller for
appellant 20th Century. Cause submitted.

B201663 Karton
 v.
 Dougherty

Merits:
Argued by Cheryl A. Orr for appellant and by Henry S. David for
respondent. Cause submitted.

Court adjourned.

November 19, 2008 (Continued)

DIVISION ONE (continued)

B197787 People (Not for Publication)
v.
Jose De Jesus Iniguez

The judgment is affirmed.

Mallano, P.J.

I concur: Rothschild, J.
I dissent: Weisberg, J. (Assigned)

B206390 People (Not for Publication)
v.
Rufino Rivero

The finding that defendant sustained a prior conviction is reversed and the matter is remanded for further proceedings in accordance with the views expressed in this opinion. In all other respects, the judgment is affirmed.

Mallano, P.J.

We concur: Rothschild, J.
Dunning, J. (Assigned)

B205236 Los Angeles County, D.C F.S. (Not for Publication)
v.
C.J.

The judgment is affirmed.

Mallano, P.J.

We concur: Rothschild, J.
Dunning, J. (Assigned)

DIVISION ONE (continued)

B188118 Mary Dousette (Not for Publication)
 v.
 Cafe Concepts, Inc.

The order granting defendants' motion for a new trial and the order declaring plaintiffs' motion to amend the judgment moot are affirmed. Defendants' protective cross-appeal from judgment is dismissed. Costs are awarded to defendants.

Hastings, J., (Assigned)

We concur: Mallano, P.J.
 Rothschild, J.

B210013 Los Angeles County, D.C F.S. (Not for Publication)
 v.
 S.C.L.A. (G.J., et al.)

The Court:

Therefore, let a peremptory writ issue, commanding respondent superior court to vacate its order of July 10, 2008, granting grandmother reunification services, and to issue a new and different order denying same, in Los Angeles Superior Court case No. CK62810, entitled In re L.R.

Mallano, P.J., Rothschild, J.

DIVISION TWO

B200359 County of Los Angeles (Not for Publication)
 v.
 Fairmont Specialty Group

The judgment is affirmed. The County shall recover its costs on appeal.

Ashmann-Gerst, J.

We concur: Boren, P.J.
 Chavez, J.

DIVISION TWO (continued)

B204550 Employers Mutual Casualty Co. (Not for Publication)
 v.
 Philadelphia Indemnity Ins. Co.

The judgment is affirmed. The parties shall bear their costs on appeal.

Ashmann-Gerst, J.

We concur: Doi Todd, Acting P.J.
 Chavez, J.

B201030 People (Not for Publication)
 v.
 Kaaiakamanu

The judgment is modified by striking the section 667.9 finding and vacating the one-year term imposed pursuant to that enhancement with respect to count 1, the felonious assault. In all other respects, the judgment is affirmed. The superior court shall have its clerk prepare and send to the California Department of Corrections and Rehabilitation an amended abstract of judgment reflecting the modification to the judgment.

Ashmann-Gerst, J.

We concur: Boren, P.J.
 Doi Todd, J.

B201976 People (Not for Publication)
 v.
 Daire

The judgment is affirmed.

Ashmann-Gerst, J.

We concur: Boren, P.J.
 Doi Todd, J.

DIVISION THREE

B260262 Los Angeles County, D.C F.S. (Not for Publication)
v.
T.A.

The order terminating parental rights is conditionally reversed and the matter is remanded to the juvenile court for the limited purpose of permitting DCFS to interview the relevant individuals with respect to the children's possible Native American heritage. If no additional information is obtained, or if no tribe asserts jurisdiction as to the children after DCFS gives notices that includes any additional information it might obtain, the juvenile court shall reinstate the order terminating parental rights.

Klein, P.J.

We concur: Kitching, J.
 Aldrich, J.

B195615 Lederman (Not for Publication)
v.
Schwarcz, et al.

The judgment is reversed and the matter remanded for further proceedings consistent with the views expressed in this opinion. The parties shall bear their own costs on appeal. The clerk of this court is directed to forward a copy of this opinion to the California State Bar for whatever action that entity deems appropriate.

Croskey, J.

We concur: Klein, P.J.
 Kitching, J.

November 19, 2008 (Continued)

DIVISION THREE (Continued)

B205348 Kassam (Not for Publication)
v.
North Tern, et al.

The judgment is affirmed. Defendants shall recover their costs on appeal.

Croskey, J.

We concur: Klein, P.J.
Kitching, J.

B198578 People (Not for Publication)
v.
Sammy Lozano

The judgment is affirmed in part, reversed in part, and remanded to the trial court for resentencing in a manner consistent with this opinion.

Klein, P.J.

We concur: Kitching, J.
 Aldrich, J.

B197445 People (Not for Publication)
v.
Vanessa Nicole Stamps et al

The judgments are affirmed.

Klein, P.J.

We concur: Croskey, J.
 Aldrich, J.

DIVISION FOUR

B204071 Sahni (Not for Publication)
v.
Emerald Mortgage Corporation, et al.

The judgment of dismissal is reversed. The order sustaining the demurrers without leave to amend is vacated and the cause is remanded with directions to enter a new and different order (1) sustaining with leave to amend the demurrers of all defendants to the first cause of action for intentional misrepresentation; (2) sustaining without leave to amend the demurrer of defendant Bearde to the second and third causes of action for breach of fiduciary duty and constructive fraud; (3) overruling the demurrers of all remaining defendants to the second and third causes of action for breach of fiduciary duty and constructive fraud; (4) overruling the demurrers of all defendants to the fourth cause of action for negligent misrepresentation; (5) overruling the demurrers of all defendants to the fifth cause of action for intentional infliction of emotional distress; and (6) overruling the demurrers of all defendants to the sixth through twelfth causes of action for fraud. Further, as defendants are no longer the prevailing parties, the order granting attorney fees and costs is reversed. The parties are to bear their own costs on appeal.

Suzukawa, J.

We concur: Willhite, Acting P.J.
Manella, J.

B202186 Lee et al. (Certified for Publication)
v.
An

The order is affirmed.

Epstein, P.J.

We concur: Manella, J.
Suzukawa, J.

DIVISION FOUR (continued)

B203206 People (Not for Publication)
v.
V.S.

The juvenile court is directed to prepare an amended minute order stating the conditions of probation, in accordance with the views expressed in this opinion; in all other respects, the order is affirmed.

Epstein, P.J.

We concur: Manella, J.
Suzukawa, J.

DIVISION FIVE

B203202 People (Not for Publication)
v.
Christopher T. Garrett

A court security fee of \$20 is imposed on counts one, two and three pursuant to section 1465.8 subdivision (a)(1), for a total of \$60. The clerk of the superior court is instructed to prepare an amended abstract of judgment reflecting these additional fines and to deliver a copy to the Department of Corrections and Rehabilitation. The judgment of conviction is affirmed in all other respects.

Armstrong, J.

We concur: Turner, P.J.
 Kriegler, J.

November 19, 2008 (Continued)

DIVISION FIVE (continued)

B210093 People (Not for Publication)
v.
Sergei Shevchanko

The appeal is dismissed.

Turner, P.J.

We concur: Armstrong, J.
Kriegler, J.

DIVISION SEVEN

B207548 United Commercial Development Corp.
v.
Rahimi

B211763 United Commercial Development Corp.
v.
Rahimi

Filed order consolidating above captioned appeals.

DIVISION EIGHT

B196516 People (Certified for Publication)
v.
Wallace Conners

The judgment of conviction is affirmed, and the matter is remanded to the trial court for resentencing after receipt of an updated probation report, with directions to stay any sentence on count 33 (receiving stolen property) under Penal Code section 654.

Cooper, P.J.

We concur: Rubin, J.
Flier, J.

November 19, 2008 (Continued)

DIVISION EIGHT (continued)

B204790 People (Not for Publication)
v.
Gregory Burden

The judgment is affirmed.

Flier, J.

We concur: Rubin, Acting P.J.
Bigelow, J.

B201890 People (Not for Publication)
v.
Luis Maldonado

The judgment is affirmed.

Flier, J.

We concur: Cooper, P.J.
Bigelow, J.